



AF/3617
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

John D. Melius

Serial No.: 10/060,142

Examiner: Basinger, S. D.

Filed: February 1, 2002

Art Unit: 3617

Title: ERGONOMIC SWIM FIN APPARATUS

MAIL STOP AFTER FINAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22314-1450

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AMENDMENT AND RESPONSE
TO OFFICE ACTION UNDER 37 C.F.R. SECT. 1.113 and 1.116

Sir:

The present communication is Applicants' response to the Final Office Action in the above-identified utility patent application. In that Final Office Action, dated as having been mailed June 04, 2004, the Examiner rejected Claims 26 and 29-34, and allowed Claims 21-25, 27, 28, and 35-39. Further, minor errors were pointed out with respect to the specification and drawings.

REVISED AMENDMENT PRACTICE

The form of the amendatory response that follows herebelow is believed to be in strict compliance with revised 37 C.F.R. 1.121, as presently required.

Amendments are herein requested with respect to the SPECIFICATION, CLAIMS and DRAWINGS. Each requested change is completely within the boundaries of the original application disclosure, and in no way introduces information that would constitute New Matter.

AMENDMENTS TO SUBSTITUTE SPECIFICATION

It is noted that Applicant's requested amendments as detailed herebelow refer to the text (page numbers) of the SUBSTITUTE SPECIFICATION submitted on December 23, 2002.

***PRIMA FACIE* RESPONSE ~ ENTRY OF AMENDMENTS AFTER FINAL**

The requested changes or amendments set forth herebelow are followed by Applicant's REMARKS responding to all outstanding issues raised by the Examiner. Inasmuch as this response, without prejudice, cancels all claims under Final Rejection and fully complies with all requirements as to form as expressly set forth in the previous Office action, it is earnestly submitted that this amendment, on its face, qualifies for entry under 37 CFR 1.116. Entry and consideration are respectfully requested.